

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED

1650 TYSONS BOULEVARD

SUITE 1500

McLEAN, VIRGINIA 22102

DAVID A. LAFURIA
(703) 584-8666

November 4, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Office of Managing Director
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

Attn: Wireline Competition Bureau

**Re: Manchester-Nashua Cellular Telephone, L.P., NH #1 Rural Cellular,
Inc., USCOC of New Hampshire RSA #2, Inc.
Petition for Designation as an Eligible Telecommunications
Carrier in the State of New Hampshire
CC Docket No. 96-45**

Dear Madam Secretary:

Manchester-Nashua Cellular Telephone, L.P., NH #1 Rural Cellular, Inc., USCOC of New Hampshire RSA #2, Inc. (collectively, "U.S. Cellular") hereby amends its above-referenced petition for ETC status in the state of New Hampshire¹ to provide additional information requested by the Commission, through its Wireline Competition Bureau ("WCB") and consistent with the Commission's *Virginia Cellular* and *Highland Cellular* decisions.² Specifically, while U.S. Cellular's Petition stated that the Company would undertake the same

¹ Manchester-Nashua Cellular Telephone, L.P., NH #1 Rural Cellular, Inc., USCOC of New Hampshire RSA #2, Inc., Petition for Designation as an Eligible Telecommunications Carrier in the State of New Hampshire, CC Docket No. 96-45 (filed April 13, 2004) ("Petition"). *See Parties are Invited to Comment on Petitions for Eligible Telecommunications Carrier Designations*, Public Notice, DA 04-1445 (rel. May 21, 2004) ("Public Notice").

² *Virginia Cellular, LLC*, 19 FCC Rcd 1563 (2004), *recon. pending* ("Virginia Cellular"); *Highland Cellular, Inc.*, 19 FCC Rcd 6422 (2004), *recon. pending* ("Highland Cellular").

commitments that were made by Virginia Cellular and adopted as conditions of its designation by the FCC, U.S. Cellular now provides additional information regarding its specific commitments. U.S. Cellular also provides additional analysis regarding impacts on the fund.

As a preliminary matter, U.S. Cellular fully commits to comply with all of the annual reporting requirements adopted in the *Report and Order* adopted earlier this year, including the filing of a five-year network improvement plan, network outage reports, and other newly required certifications and reports adopted therein. U.S. Cellular understands that those new reporting conditions, upon OMB approval, will require all ETCs to file their first reports on October 1, 2006. U.S. Cellular will comply with this and all other applicable rules and conditions adopted by the Commission.

A. Commitment to Undertake *Virginia Cellular* Commitments.

U.S. Cellular is committed to undertaking the same compliance and reporting obligations Virginia Cellular agreed to undertake as a condition of its designation in 2004. In its Petition, U.S. Cellular set forth its commitment to provide service upon reasonable request, to report the number of consumer complaints per 1,000 handsets, and to comply with the Cellular Telecommunications Industry Association Consumer Code for Wireless Service. U.S. Cellular provides additional detail with respect to its Virginia Cellular commitments, as follows:

1. Service Provisioning Commitment.

To elaborate on its commitment to provide service to consumers upon reasonable request,³ U.S. Cellular is pleased to make the following commitment to provision service to requesting customers:

In response to such requests for service at a residence or business, U.S. Cellular will take the following steps:

1. If a request comes from a customer within its existing network, U.S. Cellular will provide service immediately using its standard customer equipment.

2. If a request comes from a customer residing in any area where U.S. Cellular does not provide service, U.S. Cellular will take a series of steps to provide service.

* First, it will determine whether the customer's equipment can be modified or replaced to provide acceptable service.

³ See Petition at p. 3.

* Second, it will determine whether a roof-mounted antenna or other network equipment can be deployed at the premises to provide service.

* Third, it will determine whether adjustments at the nearest cell site can be made to provide service.

* Fourth, it will determine whether there are any other adjustments to network or customer facilities which can be made to provide service.

* Fifth, it will explore the possibility of offering the resold service of carriers that have facilities available to that location.

* Sixth, U.S. Cellular will determine whether an additional cell site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluate the costs and benefits of using scarce high-cost support to serve the number of customers requesting service. If there is no possibility of providing service short of these measures, U.S. Cellular will notify the customer and provide the Commission with an annual report of how many requests for service could not be filled. The Commission will retain authority to resolve any customer complaints that U.S. Cellular has refused to respond to a reasonable request for service.

U.S. Cellular believes these service provisioning commitments will ensure that the company is responsive to consumers' needs while acting as a proper steward of available high-cost support funds.

2. Construction Plans

In *Virginia Cellular*, the petitioner provided plans for using high-cost funds to improve its facilities and reach out to areas that it does not currently serve.⁴ Consistent with *Virginia Cellular*, U.S. Cellular committed in its Petition to “construct[] additional cell sites in high-cost areas to improve the quality of its radio frequency (“RF”) signal” so that consumers will have “a greater choice among service providers and will receive more reliable service.”⁵ U.S. Cellular now provides additional details regarding the network improvements referred to in the Petition. Specifically, U.S. Cellular commits to construct cell towers or collocate antennas to

⁴ See *Virginia Cellular, supra*, 19 FCC Rcd at 1571, para. 16. Specifically, Virginia Cellular committed to use universal service support to construct 11 new cell sites in sparsely populated areas within its ETC service area. The FCC noted that the carrier’s build-out plan “may evolve over time” as a result of shifts in consumer demand. *Id.*

⁵ Petition at p. 13.

bring new or improved service to the following communities: Groveton, Colebrook, Errol, Pittsburg, Lisbon, Warren, West Rumney, Etna, Canaan, and Cornish. As with the network improvements proposed by Virginia Cellular, the specific parameters of this plan could change as a result of fluctuating support levels, difficulty obtaining zoning and other necessary approvals, or shifts in consumer demand. The proposed sites are projected to cost an estimated \$250,000 to \$400,000 each. This constitutes U.S. Cellular's firm commitment to use high-cost support to undertake facilities construction and upgrades that would not occur but for the availability of such support. U.S. Cellular additionally commits to report on its progress in annual filings to verify that support was properly spent and to explain any changes in construction plans, also consistent with Virginia Cellular's commitments.⁶

As noted above, U.S. Cellular fully commits to develop a five-year network improvement plan and file it with the Commission on or before October 1, 2006, the date on which all ETCs are required to file their first report under the newly adopted rules.

B. Impact on Size of Fund.

In its Petition, U.S. Cellular estimated that, based on USAC's projections, its high-cost support upon designation would amount to only 0.04% of total high-cost support to all carriers. *See* Petition at p. 11. U.S. Cellular now supplements its Petition to note that in the unlikely scenario of U.S. Cellular capturing each and every ILEC subscriber throughout its New Hampshire ETC service area, its total support would amount to roughly 0.25% (one quarter of one percent) of all high-cost support. Both of these percentages are far below the projected support levels approved in the FCC's order designating NPCR, Inc. d/b/a Nextel Partners as an ETC in several states.⁷ By any measure, therefore, a grant of the instant Petition will not unduly burden the Fund.

We trust that you will find this information to be useful. Should you have any questions or require any additional information, please contact undersigned counsel directly.

Respectfully submitted,

⁶ *See Virginia Cellular, supra*, 19 FCC Rcd at 1584, para. 46.

⁷ *See NPCR, Inc. d/b/a Nextel Partners*, 19 FCC Rcd 16530, 16540 n.69 (2004) ("*Nextel Partners*").

November 4, 2005
Page 5 of 5

MANCHESTER-NASHUA CELLULAR
TELEPHONE, L.P.
NH #1 RURAL CELLULAR, INC.
USCOC OF NEW HAMPSHIRE RSA #2, INC.

A handwritten signature in dark ink, appearing to read "David A. LaFuria".

David A. LaFuria
Steven M. Chernoff
B. Lynn F. Ratnavale

Their Attorneys